IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS GALVESTON DIVISION

RAMON RODRIGUEZ, individually and	§	
on behalf of all others similarly situated,	§	
	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. G-14-0193
	§	
COWBOY'S MOBILE HOMES, INC.,	§	
COWBOY'S SERVICES, INC., and	§	
KEITH JANNISE,	§	
Defendant.	§	

ORDER

Plaintiff Ramon Rodriguez filed a Fair Labor Standards Act (FLSA) suit against three defendants: Keith Jannise and his two corporations, Cowboy's Mobile Homes, Inc., and Cowboy's Services, Inc. In his original answer, Jannise asserted an affirmative defense, alleging that Rodriguez "is not a citizen of the United States of America and therefore by Law cannot bring this suit for profit or maintain this suit as a class action suit in this court." (Docket Entry No. 11, ¶ 50). On September 22, 2014, Rodriguez moved to strike this affirmative defense under Federal Rule of Civil Procedure 12(f) because "it is well established that the protections of the Fair Labor Standards Act are applicable to citizens and aliens alike and whether the alien is documented or undocumented is irrelevant," *In re Reyes*, 814 F.2d 168 (5th Cir. 1987); *see also* (Docket Entry No. 13). None of the defendants has responded. On December 19, 2014, however, the defendants filed an amended answer. (Docket Entry No. 23), which does not allege the affirmative defense the plaintiffs moved to strike. Accordingly, the plaintiffs' motion to strike, (Docket Entry No. 13), is denied as moot.

An initial conference is scheduled for **January 12, 2015, at 3:30 p.m. at 515 Rusk Street, Houston, Texas, 77002, Courtroom 11-B**.

SIGNED on January 5, 2015, at Houston, Texas.

Lee H. Rosenthal

United States District Judge